

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the following remarks.

Claims 1-4, 6, 7, and 9-11 are pending in the present application. Claims 1, 3, and 11 are the independent claims.

Claims 5 and 8 have been amended without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 3, and 13 have been amended. No new matter has been added.

Claims 1-4, 6, 7, and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0023761 (Jeansonne et al.) in view of U.S. Patent Publication No. 2003/0126492 (Cavin). All rejections are respectfully traversed.

Clarification of Record

Initially, Applicant notes that the Office Action mischaracterizes the argument presented in the Request for reconsideration filed January 5, 2007. Applicant did not argue that the motivation to make the asserted combination was present in the primary citation. Rather, Applicant argued, and continues to argue, that the Office's stated reasoning for making the asserted combination was not a "convincing line of reasoning" as required by the Manual of Patent Examining Procedure when, as is the case here, the motivation to make the asserted combination is not immediately apparent. The motivation is not immediately apparent because the Office's rationale is already satisfied by the primary citation to Jeansonne et al., without modification. For this reason, the Office response, simply saying that one of ordinary skill in the art would have been motivated to make the combination, does not respond to the failure to make out a prima facie case in the last Office Action.

The Office Continues to Fail to Provide a Required Convincing Line of Reasoning

The Office bears the initial burden of factually supporting any prima facie conclusion of obviousness. When the motivation to combine the teachings of the references is not immediately apparent, the examiner must present a convincing line of reasoning as to why the artisan would

have found the claimed invention to have been obvious in light of the teachings of the references. (MPEP § 2142). Applicant submits that such continues to be the case in the present application.

The Office Action now contends that one of ordinary skill in the art would have been motivated to make the asserted combination “in order to conserve power.” Also, the Office Action points out that the secondary citation to Cavin allegedly suggests a wireless interface layer in the BIOS to achieve this objective. (Office Action, page 2, Response to Arguments).

Applicant does not dispute that secondary citation to Cavin discusses a software stack that includes BIOS/firmware 306 that can access a wireless interface layer 310.

Applicant continues to submit that because the asserted citations do not suggest their combination, the Office must provide a convincing line of reasoning. In this regard, simply repeating the contention that one of ordinary skill in the art would have been motivated to make the asserted combination “to conserve power” is not a convincing line of reasoning because the primary citation already accomplishes this objective without the asserted modification (See, e.g., Jeansonne et al., Abstract). Stated another way, the desire “to conserve power” is already provided by Jeansonne et al. alone. Consequently, the proffered reasoning is insufficient.

Applicant notes that this specific, previously presented argument has not been addressed by the Office.

The absence of this convincing line of reasoning for the asserted combination precludes a prima facie case of obviousness. For at least this reason, the rejection of independent claims 1, 3, 5, 8, and 11 under 35 U.S.C. § 103 are respectfully traversed. (See, MPEP, § 2142)

The Asserted Combination Does Not Suggest All of the Claim Features

Independent claim 1 now recites, inter alia, a controller controlling a power supplying part to supply power to the displaying part, the wireless communication part and directly to the BIOS memory.

Independent claim 3 now recites, inter alia, supplying power ... directly to a BIOS memory from the power supplying part

Independent claim 11 now recites, inter alia, illuminating, while the network accessing routine is being executed, a display part in an illumination mode that differs from an illumination mode when it is determined whether a wireless network is accessible.

Applicant submits that neither Jeansonne et al. nor Cavin disclose at least the aforementioned features of independent claims 1, 3, and 11. Accordingly, without conceding the propriety of the asserted combination, the asserted combination is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The primary citation to Jeansonne et al. relates to a wireless access point seek mode for wireless access points and discusses an arrangement including a notebook computer 100 and a wireless communication module 42 connected to the notebook computer via a USB connection 28. (Jeansonne et al., FIGS. 1 and 2). The notebook computer 100 includes a power supply 40 and a BIOS ROM 30. The wireless communication module 42 includes a MAC and Baseband micro-controller 44 and an LED indicator 66.

The Office Action contends that the wireless communication module is a wireless communication part, the MAC and baseband micro-controller is a controller, and the LED indicator is a display part. (Office Action, page 3). The Office Action does not address which component/element of Jeansonne et al. might be a BIOS memory.

Regarding independent claims 1 and 3, the Office Action concedes that Jeansonne et al. does not suggest BIOS with a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part and relies on the secondary citation to Cavin for the necessary disclosure of this feature. (Office Action, page 4).

Cavin discusses a software stack that includes BIOS/firmware 306 that can access a wireless interface layer 310. Cavin does not suggest supplying power directly to a BIOS memory.

Jeansonne et al. shows, in FIG. 1 thereof, that the BIOS ROM 30 is connected to a low pin count (LPC) bus 26. Jeansonne et al. is silent as to how power is supplied to the BIOS ROM.

In view of the aforementioned deficiencies in the asserted citations, it is submitted that Jeansonne et al. is deficient and Cavin does not remedy the deficiency.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1 and 3 under 35 U.S.C. § 103 are respectfully requested.

Regarding independent claim 11, Jeansonne et al. teaches that when it is determined that a wireless access point is available, the LED is illuminated. (Jeansonne et al., paragraphs [0042] and [0045]). Absent from both Jeansonne et al. and Cavin is any disclosure of different illumination modes for when wireless network accessibility is indicated and for when a network accessing routine is being executed.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 11 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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